

SMITH RIVER STATE PARK AND RIVER CORRIDOR

DECISION NOTICE

RECREATION MANAGEMENT PLAN & ENVIRONMENTAL ASSESSMENT

July 20, 2009

This document serves as the Decision Notice for the Smith River State Park and River Corridor Recreation Management Plan and Environmental Assessment. To view a copy of the Final Recreation Management Plan visit the FWP web site at fwp.mt.gov (click on “Smith River Plan” under State Parks) or phone (406) 444-3750 to request a hard copy.



***Montana Fish,
Wildlife & Parks***



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Introduction to the Decision Notice

Montana Fish, Wildlife and Parks (FWP) invited public comment on a Draft Recreation Management Plan and Environmental Assessment (EA) for the Smith River State Park and River Corridor. This document serves as the Decision Notice for the Final Plan and EA. The Final Plan and responses to public comments are available on the FWP web site: www.fwp.mt.gov (see “Smith River Plan” under State Parks) or phone (406) 444-3750 for a hard copy. The Decision Notice is based on analysis of public comments, recommendations of the advisory committee, and input from staff.

Public Involvement Process

The public involvement process was initiated with the appointment of a twelve-member Advisory Committee that represented the interests of the general recreating public, landowners, outfitters, and local, state and federal agencies. The committee developed recommendations for addressing management issues. The Draft Plan and EA were developed based on the recommendations of the committee and staff. Public comments were solicited in the following ways (45 day comment period):

- Smith River Plan Web Site provided updates on the advisory committee and a link to each management issue with the ability to submit comments online.
- Smith River Open Houses (Billings Great Falls, Helena, Missoula and White Sulphur Springs) provided information on management issues and opportunities to submit comments.
- Press Releases were circulated to the media throughout the planning process and provided updates on the advisory committee and information on the public involvement process and open houses.

Management Issues

The EA identified 7 management issues, alternatives for addressing these issues, and predicted impacts for each alternative. Please consult the EA for a description of the issues.

- Floater Opportunities
- Boat Camp Selection
- River Capacity and Social Conditions
- User Fees
- Pet Policy
- Human Waste Management
- Outfitter Administration

Comment Analysis Process

All comments were recorded in their original format and sorted into categories (themes). This was followed by a *quantitative* and *qualitative* analysis on the comments. The *quantitative analysis* recorded the total number of people who commented on a particular issue or topic; the number of people who supported each alternative; and the number of people who commented on an issue or topic but did not clearly support an alternative. The *qualitative analysis* consolidated similar or identical comments into one comment. A response was prepared for each consolidated comment. Due to the number of comments and responses, the results of the qualitative analysis are not included in this Decision Notice and instead are posted on the FWP web site (www.fwp.mt.gov).

Implementation

The Final Plan provides guidance for recreation management of the Smith River State Park and River Corridor. There are a number of recommendations in the plan, e.g. super permit lottery, which would require FWP Commission rulemaking prior to implementation (Smith River Special Use Area Rule). The rulemaking process will include additional opportunities for public involvement. The Commission will consider the Plan when adopting rules but may vary its decision based on public input provided during the rulemaking process.

Floater Opportunities (69 comments on this issue)

<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>	<u>Other</u>
15 comments (22%) Maintain Current Lottery and Allocation System (No change)	25 comments (36%) Minimum Age Requirement	17 comments (25%) Minimum Age Requirement; One-Year Waiting Period; Group Size Reduction Incentive	12 comments (17%) People who commented on the issue or topic but did not indicate support for an alternative

Decision: FWP will retain the limit of 9 launches per day and a maximum group size of 15 persons, and recommend to the Commission the following changes to the Smith River Special Use Area Rule:

1. Require all lottery applicants who draw a permit for a launch date from May 15 through July 15 to wait one year before re-applying for a Smith River permit for that same time period. They may apply for a permit outside of this time period, accompany another permitted group during this time period, or obtain a cancelled launch permit.
2. Reallocate all cancelled launches for public use (rather than waiting until five cancellations have occurred before reissuing permits during the peak season). Maintain group size limit of 8 for reallocated cancelled launches (no change).
3. Establish a minimum applicant age of 12.
4. Establish a “Super Permit Lottery” (see Section 3.4, User Fees).

Rationale: The public comments illustrated both the difficulty of obtaining a Smith River permit through the lottery and the desire to increase floater opportunities without increasing the overall number of people allowed to float the river. There are people who float the river on a frequent basis by obtaining a permit, acquiring a cancelled launch, or accompanying other permit holders. While these options are available to anyone, there is public interest in increasing the odds of someone obtaining a permit through the lottery without increasing the overall amount of use that occurs on the river.

The decision, a modification of Alternative C, increases the odds of drawing a permit and expands opportunities to obtain a cancelled launch. Floater exit-logs and the *2000 Smith River Floater Study* indicate a high level of overall satisfaction with the Smith River experience and this was an important factor in the decision to maintain current daily launch and maximum group size limits. The decision to reissue all cancelled permits with a group size limit of eight persons will increase opportunities for people to experience the Smith River without exceeding maximum use levels.

Some comments suggested issuing preference points to unsuccessful applicants. This approach would have less statistical effect on improving floater opportunities compared to a one-year waiting period for successful applicants. Other comments suggested a one-year wait period for all those who float the river (not just the successful applicant). FWP decided that a one-year waiting period for successful applicants would improve floater opportunities and still allow the successful applicant to join another permitted group the following year or acquire a cancelled launch.

The minimum applicant age requirement of 12 years is designed to increase floater opportunities while still allowing youth 12 years and older to engage in the permit application process.

Boat Camp Selection Process

(57 comments on this issue)

<u>Alternative A</u>	<u>Alternative B</u>	<u>Other</u>
36 comments (63%) Continue First Come – First Serve Boat Camp Selection Process (No change)	17 comments (30%) Random Boat Camp Selection Process	4 comments (7%) People who commented on the issue or topic but did not indicate support for an alternative

Decision: FWP will continue the First Come – First Serve Boat Camp Selection Process with a limit on how far in advance people can sign in (1 day).

Rationale: The Draft Plan and EA proposed a random selection process in which the order that people get to pick boat camps would be determined in advance through a random computer process. The proposed change was based on the concerns of people who viewed the first come – first serve process as unfair for people who do not have the ability to show up early at Camp Baker. The public comments on this issue helped to validate whether this is a significant concern. The majority of the comments were in favor of retaining the first come – first serve process and stated that this system has worked well for a number of years and that arriving at Camp Baker early allows them time to organized their gear and prepare for their float.

Supporters of the random selection process commented that it would eliminate the need to stay overnight at Camp Baker, making it easier for people who have less vacation time. Others noted that a random selection process could help to reduce congestion at Camp Baker caused by people assembling there early to secure a place in line under the current system. There was also a concern that outfitters pay guides or staff to arrive early at Camp Baker and that this is unfair to the general public.

While FWP empathizes with the concerns expressed about the first come – first serve selection process, public comments indicate that this system does work well for many people. Rather than changing to a new system, the decision is to retain the first come-first serve system, but limit the opportunity to establish selection order to one full day in advance. FWP will continue to monitor the floater logs to detect whether the concerns become more prevalent in the future.

River Capacity and Social Conditions (41 comments on this issue)

<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>	<u>Other</u>
10 comments (24%) Maintain Current River Capacity, Permit Allocation, Social Indicators & Standards (No change)	19 comments (46%) Maintain Current River Capacity, Establish “Solitude” Social Indicator with Qualitative Standards	4 comments (10%) Reduce River Capacity & Permit Allocation, Maintain Current Social Indicators & Standards	8 comments (20%) People who commented on the issue or topic but did not indicate support for an alternative

Decision: FWP will retain the floater allocation of nine launches per day, a maximum group size limit of 15 persons for all standard lottery permits, and a maximum group size of 8 persons for reallocated cancelled permits (no change). The new primary social condition indicator will be “floater satisfaction with encounters with boats on the river”. Survey methodology will be used to measure floater satisfaction with the number of boats encountered on the river (as opposed to boats encountered at put-in, take-out, or boat camps). Failure to maintain an eighty percent satisfaction rating would indicate that additional management actions could be warranted, e.g. a reduction on the number of boats per group. FWP will also monitor satisfaction with social conditions at boat camps.

Rationale: The decision to retain the maximum group size limit of 15 persons was based on the overall level of public satisfaction with their Smith River experience, the relatively low number of comments that supported a reduction in allocation or group size, and the fact that the Smith River has one of the lowest maximum group size limits of any major western river corridor. The decision to retain the 8 person group size limit for all cancelled permits is a balance between containing use levels and the desired condition of increasing opportunities for people to experience the Smith River.

The change from *quantitative* to *qualitative* social indicators and standards was supported by the conclusion that the number of groups and the number of people in the corridor at one time (quantitative indicator) is useful in terms of boat camp capacities but is less effective for determining acceptable social conditions. The reason is that individual groups and floaters never encounter all of the other groups and people in the corridor (groups are moving down river at similar speeds and a person starting their trip is not likely to encounter the person who is three or four days into their trip). A more useful indicator for quality of experience is satisfaction with the number of times a person encounters other boats on the river during the course of a day (qualitative indicator).

The “encounters” indicator is compatible with the Smith River Management Act that mandates FWP to maintain the public’s opportunity to enjoy the natural scenic beauty and solitude, and the *2000 Survey of Smith River Floaters*, which identified solitude and the opportunity to experience wild country as important attributes of the Smith River experience. Some comments disagreed that encounters with other boats is an appropriate social indicator and observed that there are many variables that influence the social experience. Some suggested using overall floater satisfaction as the indicator. While there may be a number of variables that influence the social experience, it is useful to establish and monitor a clear indicator that is representative of desired conditions (a key component of the Limits of Acceptable Change recreation management tool). There is ample outdoor recreation social research to suggest that encounters with other groups or individuals has an affect on visitor satisfaction. Other variables will be monitored as appropriate, e.g. satisfaction with boat camp conditions.

User Fees

(52 comments on this issue)

<u>Alternative A</u>	<u>Alternative B</u>	<u>Other</u>
17 comments (33%) Maintain Current User Fees (No change)	21 comments (40%) Implement Moderate User Fee Increases	14 comments (27%) People who commented on the issue or topic but did not indicate support for an alternative

Decision: The Commission is responsible for setting the fees in the Smith River Special Use Area Rule. This is done through a separate public process. FWP will recommend the following changes:

1. Combine drawing and pre-registration fees into one non-refundable permit application fee.
2. Adopt a Super Permit Lottery (1 permit per year; valid any day during float season; no limit on number of applications; application fees allocated to the Corridor Enhancement Account).
3. Charge floater fees year-round.
4. Charge Camp Baker camping fees when improvements and reconfiguration are completed.
5. Adopt modest fee increases in the future commensurate with the quality of services provided and cost of providing these services.

Rationale: FWP carefully considered all the comments regarding user fees and examined the cost and revenue projections for the future. The Smith River State Park and River Corridor, like all Montana State Parks, is a user-supported program. It is important to maintain a viable user fee structure for non-commercial and commercial users in order to sustain operations while remaining fair, equitable, affordable and commensurate with other high quality outdoor and river recreation opportunities. FWP recognizes that fee increases are often unpopular and therefore will strive to keep fees reasonable and adequate enough to keep pace with inflation and increased operational costs. FWP will not propose an increase in the permit application fee for non-immediate family members of landowner floats as originally proposed in the EA. This fee and other floater fees will be evaluated in the future.

A number of people recognized the inefficiency and added administrative costs associated with refunding a pre-registration fee. The non-refundable permit application fee will be more efficient and save money.

There were comments both in favor and opposed to the Super Permit Lottery proposal. Of those opposed, some expressed concern that the Super Permit would inappropriately result in more people on the river. FWP will recommend that the Commission limit the Super Permit to one permit per year and allocate the revenue to the Corridor Enhancement Account.

Opponents of charging year-round floater fees expressed concern that this would increase administrative costs if staff has to make additional trips to Camp Baker. Staff already makes trips to Camp Baker outside of the main float season and therefore there should not be an increase in administrative overhead.

Campground improvements and site reconfiguration at Camp Baker will help to alleviate congestion around the put-in and reduce resource impacts. Camping fees would not be proposed until these improvements are completed.

Pet Policy

(77 comments on this issue)

<u>Alternative A</u>	<u>Alternative B</u>	<u>Other</u>
34 comments (44%) Continue to Allow Pets on Smith River Float Trips (No change)	40 comments (52%) Prohibit Pets on Smith River Float Trips	3 comments (4%) People who commented on the issue or topic but did not indicate support for an alternative

Decision: Beginning in 2010, pets will be prohibited on river floats with the exception of hunting dogs used for lawful hunting activities during waterfowl and upland game bird seasons under the authority of the Parks Public Use Regulations in ARM 12.8.203. Hunting dogs must remain leashed or restrained while in camp and when not actively engaged in hunting. FWP will conduct education and outreach regarding this decision.

Rationale: This decision was difficult in that FWP acknowledges the value and significance of dogs and other pets as a companion and participant in recreational experiences and a significant part of Montana's outdoor heritage. All of the issues and concerns addressed in the draft Management Plan and Environmental Assessment were considered. Many of the concerns are a result of dogs off leash. Despite increased efforts in recent years to educate floaters about the problems associated with dogs roaming freely, it is common practice for people to unleash dogs after departing Camp Baker. This may be in part due to the natural behavior and instincts of dogs in an outdoor setting that make it difficult to keep a dog leashed 24-hours a day on a multi-day float trip.

The concerns include the potential for public safety risks (i.e. dog bites or aggressive interaction with humans); trespass onto private property including conflicts with domestic livestock; the potential for and past examples of harassment or injury to wildlife; the potential for unwelcome dog intrusions into neighboring campsites; aesthetic, sanitation, and wildlife disease issues related to dog waste; noise from barking dogs; the difficulty in keeping a dog properly leashed or restrained during a float trip; and the significant level of non-compliance with the current pet regulations.

The fact that approximately 80% of the river corridor is privately owned was a significant factor, as that affects the probability of dogs trespassing onto private property and/or engaging in conflicts with private landowners and/or livestock.

Of the people who expressed support for continuing to allow dogs on Smith River float trips, many provided suggestions on ways to address the problems without prohibiting pets all together (increased fines, loss of permit privileges, self-policing, increased education, etc.). Unfortunately, previous efforts to resolve the problem through the existing fines, enforcement patrols, and expanded education on the issue have not resulted in a satisfactory level of compliance with pet regulations.

Human Waste Management

(67 comments on this issue)

<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>	<u>Other</u>
24 comments (36%) Continue with Current Pit Latrine System (No change)	24 comments (36%) Mandatory Pack Out of Human Waste & Vault Latrines	16 comments (24%) Research and Monitoring	3 comments (4%) People who commented on the issue or topic but did not indicate support for an alternative

Decision: FWP will implement the following human waste management measures:

1. Research appropriate methods and equipment for removal and disposal of human waste.
2. Establish appropriate human waste disposal mechanisms and/or facilities.
3. Assess biological, cultural and social conditions and impacts.
4. Institute a voluntary, incentive based pack out program.
5. Work closely with the USFS to manage human waste in the river corridor.

In the future FWP may phase in a human waste pack out requirement for the Smith River after completing additional research on the impacts of the pit latrines and the appropriate methods and equipment for proper removal and disposal of waste from the river corridor. In the mean time FWP will initiate and evaluate a voluntary, incentive-based human waste pack out program. A pack out requirement (mandatory) would not be implemented until appropriate human waste removal and disposal methods and facilities are in place.

Rationale: It is apparent from the public comments that some floaters are accustomed to the convenience of pit latrines and do not support a change unless there is substantial evidence demonstrating that resource and/or cultural impacts are occurring. Additional research may help to assess the impacts of the pit latrines.

Some of the comments suggested alternate means of managing human waste in the river corridor: composting toilets, chemicals treatment of waste, and re-use of old pits once the contents are decomposed. These ideas were given serious consideration but cannot be supported due to issues with feasibility, practicality, or ineffectiveness.

People who supported packing out human waste noted that this is a standard practice on most regulated multi-day trips and expressed concerns about public health and resource impacts associated with pit latrines in a river canyon environment. FWP may require floaters to pack out human waste in the future but for now will emphasize voluntary measures while conducting additional research on impacts and the mechanisms for disposing of waste at the take-out.

While maintaining the pit latrines may be in the best interest of some floaters in terms of convenience, it is also apparent that other floaters recognize the potential and cumulative resource and cultural impacts and advocate for a change. For these reasons, FWP will take proactive measures to ensure the long-range protection and stewardship of the recreational and natural resources in the Smith River Corridor. This will include working closely with the Lewis and Clark and Helena National Forests, which support phasing in mandatory human waste pack to address health and safety risks and repeated ground disturbance around known cultural sites.

Outfitter Administration

(37 comments on this issue)

<u>Alternative A</u>	<u>Alternative B</u>	<u>Other</u>
2 comments (5%) Continue Current Outfitter Allocation and Permit System & Improve Outfitter Administration (No change)	23 comments (62%) Maintain Current Outfitter Allocation, Modify Outfitter Launch Cancellation Process & Improve Outfitter Administration	12 comments (32%) People who commented on the issue or topic but did not indicate support for an alternative

Decision: FWP will recommend that the Commission retain the current outfitter allocation system, modify the outfitter launch cancellation and calendar process, and improve outfitter administration.

Rationale: The current outfitter allocation of 73 launches (based on historic use) has worked well for the outfitters and is relatively simple to administer. A few comments suggested that outfitter allocation be reduced to the 15-year average of approximately 49 launches. Low water conditions in late July and September has likely prevented some outfitters from booking clients during the shoulder seasons but this could change in the future with improved flows.

The proposal to the Commission will require outfitters to finalize their launch dates one-week prior to the lottery drawing. All dates on the calendar not occupied by an outfitter will become available to the public in the drawing (approximately 30 more launch dates). It will also require outfitters wishing to move a launch date after the lottery to compete with the public for a cancelled launch date. The majority of the Smith River outfitters support this change, noting that by late February most trips are booked and very little shuffling of launch dates occurs post-drawing.

The proposal will require outfitters to cancel all un-booked launches no less than 14 days prior to the launch date. The previous requirement was two days. This will improve the public's ability to obtain a cancelled outfitter launch and plan ahead. Most outfitters inform FWP about un-booked launches in a timely manner and support this change. FWP will recommend that the Commission allow outfitters to conduct two trips on Sundays and Wednesdays throughout the float season. Currently two outfitted launches are allowed on Sundays and Wednesdays during a six-week period of the season. This change will simplify the outfitter allocation process and reduce the administrative workload.

Director Decision and Appeal Process

By notification of this decision notice the Draft Plan and Draft EA are hereby made the Final Plan and Final EA as modified in this notice. The Final Plan is available on the FWP web site

(www.fwp.mt.gov) or phone (406) 444-3750 to obtain a copy. The Final Plan is subject to appeal.

Appeals must be submitted to Joe Maurier, Director, Montana Fish, Wildlife & Parks, PO Box 200701, Helena, MT 59620-0701 in writing and postmarked within 30 days of the date on this decision notice.

The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to the department regarding the plan or participated in the planning process, and how FWP may address the concerns in the appeal. The analysis conducted in Chapter 6 of the Draft Plan pursuant to Montana Environmental Policy Act is not subject to an appeal.

Joe Maurier
Director
Montana Fish, Wildlife and Parks